

HONORABLE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

vs.

INTERNAL REVENUE SERVICE,

Defendant.

NO. 2:15-cv-00369 RSM

THIRD CONSENT MOTION AND ORDER
REGARDING CASE SCHEDULE

MICROSOFT CORPORATION,

Plaintiff,

vs.

INTERNAL REVENUE SERVICE,

Defendant.

NO. 2:15-cv-00850 RSM

The above-captioned actions are for declaratory and injunctive relief under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended, and the Administrative Procedure Act, 5 U.S.C. § 701 et seq. The parties jointly request that these actions remain open and that the

THIRD CONSENT MOTION TO EXTEND TIME AND ORDER
REGARDING CASE SCHEDULE
(Case Nos. 2:15-cv-00369, 2:15-cv-00850)

U.S. Department of Justice, Tax Division
Ben Franklin Station , P.O. Box 227
Washington, D.C. 20044
202-616-8994 (Phone)
202-524-6866 (Fax)

Court approve the parties' agreed upon, modified schedule set forth in paragraph 1, below. In support of this request, the parties state the following:

1. On August 13, 2021, the Court issued a modified case management order in which the Court adopted the parties' proposed revised schedule and case management order. Under that schedule, the IRS was required to provide Microsoft with a draft revised *Vaughn* index by August 27, 2021, and to file a motion for summary judgment by October 29, 2021. The IRS provided Microsoft with a draft revised *Vaughn* index on August 27, 2021. The parties are in the process of identifying and attempting to address issues in the index, and the IRS accordingly requests, and Microsoft consents, to extend the remaining deadline for filing a motion for summary judgment.¹ The IRS therefore requests that the Court adopt the following revised schedule for both of the above-captioned cases:

SCHEDULE	
Event	Date
The IRS to file its motion for summary judgment:	December 3, 2021

2. Recognizing that the parties continue to engage in good faith negotiations, the parties agree that evidence of the IRS's efforts to address Microsoft's concerns, including any revisions to previously exchanged declarations or exemption claims, is not admissible to prove that the IRS's search was unreasonable or that the IRS's exemption claims were improper.

3. The parties jointly request that these actions remain open and that the Court enter an order adopting the case schedule proposed in paragraph 1.

Respectfully submitted this 17th day of September, 2021.

¹ The IRS is also in the process of drafting a revised *Vaughn* index in 2:15-cv-01605. The IRS has proposed, and Microsoft has consented to, an additional month-long extension to provide Microsoft with a draft revised *Vaughn* index in 2:15-cv-01605.

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3 **BAKER & McKENZIE LLP**

4 By: s/ Daniel A. Rosen

Daniel A. Rosen, NYBA #2790442

Pro Hac Vice

452 Fifth Avenue

New York, NY 10018

Tel: (212) 626-4272

Fax: (212) 310-1600

Email: daniel.rosen@bakermckenzie.com

9 *Attorney for Plaintiff Microsoft Corporation*

14 **U.S. DEPARTMENT OF JUSTICE**

15 By: s/ Stephen S. Ho

Stephen S. Ho

Trial Attorney, Tax Division

U.S. Department of Justice

Post Office Box 227

Washington, DC 20044

Tel: (202) 616-8994

Fax: (202) 514-6866

Email: stephen.s.ho@usdoj.gov

20 *Attorney for Defendant Internal Revenue Service*

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing JOINT MOTION via the Court's electronic case filing system on September 17, 2021.

/s Stephen S. Ho

STEPHEN S. HO

ORDER

It is SO ORDERED this 17th day of September, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

BAKER & McKENZIE LLP

By: s/ Daniel A. Rosen

Daniel A. Rosen, NYBA #2790442
Pro Hac Vice
452 Fifth Avenue
New York, NY 10018
Tel: (212) 626-4272
Fax: (212) 310-1600
Email: daniel.rosen@bakermckenzie.com

Attorney for Plaintiff Microsoft Corporation

U.S. DEPARTMENT OF JUSTICE

By: s/ Stephen S. Ho

Stephen S. Ho
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 227
Washington, DC 20044
Tel: (202) 616-8994
Fax: (202) 514-6866
Email: stephen.s.ho@usdoj.gov

Attorney for Defendant Internal Revenue Service